

AMENDED  
M I N U T E S  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

JANUARY 25, 2005

Meeting was commenced at 7:04 p.m.

**PRESENT:**

**Council Members:** Chairman Scott Cowdell, Vice Chairman John Winder, Bryant Anderson, Steve Fairbanks, Don Pott, Linda Martinez-Saville, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Attorney Pat Casaday; Communications Director Ryan Mecham; Community Development Director Mike Coulam; Public Works Director Rick Smith; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Assistant CAO James Davidson; City Recorder Dianne Aubrey; Council Office Manager Naleen Wright

**ABSENT/EXCUSED:**

Council Office Director Phil Glenn (vacation)

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Trevor Hatch of Troop #122, and the Pledge was led by Clint Hubbards of Troop #227.

2. **SPECIAL PRESENTATION:** Dianne Aubrey - Referendum Report - Gravel Pit Rezone

**City Recorder Dianne Aubrey** explained that she had received certification from the Salt Lake County Clerk's Office regarding the names submitted on a petition submitted by "Save Our Communities." The "Save our Communities" group had solicited signatures for a petition that would, if approved, seek a referendum vote by the public on the rezoning recently approved for the gravel pit property.

The County Clerk's Office verifies the legal Sandy residency and the age of persons whose names appear on the petition and certifies such names from each verified signature sheet. The number of names required by Utah Code for an election is 7,940. The total number of names certified by the County Clerk's Office was 6,425. Because the certified names are less than the number of names required, the petition is considered insufficient and no evaluation is required to determine the appropriateness of the subject-matter of the ballot proposition.

Ms. Aubrey stated that she has refused to accept the petition as required by law. She also advised the Council that eight people here at the City, including herself, recounted the certified signatures to ensure that the totals were correct. **See Exhibit "A"**

**City Attorney Walter Miller** advised the Council that Rob Hughes, Attorney for "Save Our Community" wished to make a few remarks.

**Rob Hughes** extended his thanks to Walter Miller and Dianne Aubrey for all the work they put into verifying the results of the petition. He stated that he will probably submit a motion for a recount, as the news came to them late this afternoon. He said the group thought they had gathered nearly 9,000 signatures, and were extremely surprised that the petition was denied. It appeared to him that the primary problem with the petition was that residents of the unincorporated County had signed it (only registered voters that reside in Sandy are eligible to sign the petition). Mr. Hughes stated that he still wanted to double check to make sure no petition sheets were lost in transit. He noted that they have 10 days to appeal to the Supreme Court, but they won't pursue that course of action, if it does not have merit.

**Council Chairman Scott Cowdell** stated that the City will follow all due process, and would assist Mr. Hughes as much as possible.

**Steve Fairbanks** asked Dianne Aubrey if the County elaborated on its reasons for rejecting the petition.

**Ms. Aubrey** stated that the County looked at each signature and verified if the person was a registered voter. Many signatures were those of residents of the County and were clearly marked as such, so it was easy to decipher which names were the valid signatures, as they too were marked.

**Walter Miller** advised the Council that he would keep them updated on any action taken. He then invited Mr. Hughes to meet with him and Dianne Aubrey in the hall so his questions could be answered.

**PUBLIC HEARING(S):**

3. **Christensen Annexation into Alta Canyon Recreation S.D.**  
Public Hearing to consider the annexation of additional property [2.27 acres approx.] (located at approximately 7675 South Union Park Avenue [1300 East],) into the Alta Canyon Recreation Special Service District (S.D.) and the furnishing of recreational services therein. Taxes may be levied upon all taxable property within the service district, and fees and charges may be imposed to pay for all or a part of services to be provided by the service district. Written protests must be filed with the City Recorder's Office prior to the hearing, or with the City Council at the hearing.

**DISCUSSION:** Community Development Director Mike Coulam showed the Council, on an overhead projected map, the location of the proposed annexation. He indicated that no protests have been received, and the documents to adopt this annexation into the Alta Canyon Recreation Special Service District are included in this evening's Council items.

The Public Hearing was opened and closed by the Chairman, as there were no comments.

**VOTE: See # 5**

4. **Waterford Annexation into Alta Canyon Recreation S.D.**  
Public Hearing to consider the annexation of additional property [0.33 acres approx.] (located at approximately 9461 South 1400 East,) into the Alta Canyon Recreation Special Service District (S.D.) and the furnishing of recreational services therein. Taxes may be levied upon all taxable property within the service district, and fees and charges may be imposed to pay for all or a part of services to be provided by the service district. Written protests must be filed with the City Recorder's Office prior to the hearing, or with the City Council at the hearing.

**DISCUSSION:** Community Development Director Mike Coulam showed the Council, on an overhead projected map, the location of the proposed annexation. He reported that no protests have been received. Documents to adopt this annexation into the Alta Canyon Recreation Special Service District have been included in this evening's Council items.

**VOTE: See #6**

**COUNCIL ITEMS:**

5. **Christensen Annexation**  
Resolution #05-05 C - annexing property into the Alta Canyon Recreation Special Service District.

**MOTION:** Dennis Tenney made the motion to adopt Resolution #05-05 C - annexing property known as the Christensen Annexation [located at approximately 7675 South Union Park Avenue] into the Alta Canyon Recreation Special Service District.

**SECOND:** John Winder

**VOTE:** Tenney- Yes, Winder- Yes, Fairbanks- Yes,  
Saville- Yes, Anderson- Yes, Pott- Yes Cowdell- Yes

7 in favor

**6. Waterford Annexation**

**Resolution #05-04 C - annexing property into the Alta Canyon Recreation Special Service District.**

**MOTION:** Dennis Tenney made the motion to adopt Resolution #05-04 C - annexing property known as the Waterford Annexation [located at approximately 9461 South 1400 East] into the Alta Canyon Recreation Special Service District.

**SECOND:** Steve Fairbanks

**VOTE:** Tenney- Yes, Fairbanks- Yes, Winder- Yes,  
Saville- Yes, Anderson- Yes, Pott- Yes Cowdell- Yes

7 in favor

**7. Funds Transfer: Gen. Contingency Dan Jones Prelim. Work for Gravel Pit Level.**

**Resolution #05-16 C - transferring funds within the General Fund [\$634.00]**

**MOTION:** John Winder made the motion to adopt Resolution #05-16 C - transferring funds within the General Fund [\$634.00].

**SECOND:** Steve Fairbanks

**VOTE:** Winder - Yes, Fairbanks- Yes, Tenney- Yes,  
Saville- Yes, Anderson- Yes, Pott- Yes Cowdell- Yes

7 in favor

**8. Code Amendment: Sections 15-05-01 & 15-05-06 (Sexually Oriented Businesses)**

**Ordinance #05-07 - amending Sections 15-05-01, "Permitted Land Use Matrix" and 15-05-06 "Sexually Oriented Businesses".**

**MOTION:** Dennis Tenney made the motion to TABLE Ordinance #05-07 that would have amended Sections 15-05-01, "Permitted Land Use Matrix" and 15-05-06 "Sexually Oriented Businesses," as requested by Legal Counsel Pat Casaday, until mid February.

**SECOND:** Don Pott

**VOTE:** Tenney- Yes, Pott- Yes, Fairbanks- Yes,  
Saville- Yes, Winder- Yes, Anderson- Yes, Cowdell- Yes

7 in favor

**9. Legislative Update**

**DISCUSSION:** John Hiskey, Deputy to the Mayor, provided an update concerning 2005 legislative issues under consideration by the Utah State Legislature. **See Exhibit "B"**

**John Winder** asked if it would be possible to change the term "blighted" [blighted is a term commonly used when an RDA area is created] to another term. He felt that each time this negative term was used it invoked ire.

**Mayor Dolan** commented that the Senate President had voiced the same concern. It has been suggested that a "means test" be created under which certain criteria must be met to create RDA areas designed to redevelop or redo old housing and old retail buildings. RDAs are a wonderful tool, that when employed can revitalize and improve existing blighted areas with new infrastructure and etc. He agreed that a "means test" designed appropriately could assist the effort to drop the word blight.

**Randy Sant** added that the term "blight" has been utilized in several Supreme Court cases. In 1993, there was an effort to change the term blight that failed. If there was a " means test" that we could adopt and follow, maybe the support would be there to drop the term "blight."

**Don Pott** reminded the Council that there is a meeting of the Legislative Policy Committee every Monday at noon.

**10. Litigation Update**

**DISCUSSION:** **Walter Miller** explained that on January 14<sup>th</sup>, the Save Our Community group sued to have the

Court stop any further approvals on proposed development in the gravel pit, until there was an election held on the referendum. Mr. Miller explained that a meeting is scheduled with a judge on Friday, and due to the insufficient number of signatures on the petition, he believes the issue will probably resolve itself within a week.

**MINUTES:**

**11. Approving the January 18, 2005 City Council Meeting Minutes.**

**MOTION:** Dennis Tenney made the motion to adopt the January 18, 2005 City Council Meeting Minutes as presented.

**SECOND:** Steve Fairbanks

**VOTE:** The Council responded verbally in the affirmative to the motion.

**ALL IN FAVOR**

**12. MAYOR'S REPORT:**

- a. **Mayor Dolan** reported that within one week, Sandy will be meeting with other valley fire departments to establish a Joint Municipal Fire Authority. This joint agency, individually, will retain their own autonomy in their own municipal fire department, but jointly will combine efforts to save money on training and other worthwhile efforts.

**13. CAO'S REPORT:**

- a. **Economic Development/RDA Director Randy Sant** provided the Council with a disclosure for legal services. The disclosure involved the need to retain professional services [an attorney] to look at proposed RDA legislation. It is felt that new legislation has the potential to produce additional revenues for each of our RDA districts. The newly proposed RDA bills are scheduled to come out within the next 7-10 days.

The firm Lewis Young Robertson & Burningham, Inc. will be hired to provide assistance in determining 1) Current practices within the State of Utah related to RDA's; 2) Net affect of truth-in-taxation laws as they relate to RDA's; 3) Verification of the treatment of "haircut" monies by County Assessors offices; and 4) Comparison of tax-rate application of growth-related assessed values within RDA's to the general assessed value of the cities.

**Dennis Tenney** praised the efforts of **Mayor Dolan** in working with members of the House and the Senate to gain support for RDA bills that are favorable to Sandy City.

**Mayor Dolan** commented, "If our assumption is correct, some of these entities have not been receiving their money."

**14. COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. The Council's W-2s were handed out.

**15. OTHER COUNCIL BUSINESS:**

- a. **Dennis Tenney** thanked the Council Chairman **Scott Cowdell** for scheduling this evening's meeting with the Jordan School District. He felt the meeting was very worthwhile.
- b. **Bryant Anderson** stated that he wanted to address issues brought out in a letter [dated 1/15/05] from **Dennis Tenney** to the State Economic Development Committee regarding the rezoning of the Sandy gravel pit.

**Dennis Tenney** stated that he would prefer to address Mr. Anderson's concerns about this letter personally, and not during a public forum. He said he was unaware who released his letter to the Council, but that it was not done with his permission.

**Bryant Anderson** commented, "The horse is out of the barn, and the letter is public information now." He

felt it was his right to rebut some of Mr. Tenney's comments about five members of the Council and the Mayor's support of the gravel pit's rezoning. Mr. Anderson stated that it was his opinion that Mr. Tenney's assumption that *"the City Council, at that time, essentially made a compact with the commercial zone to the west and to the surrounding neighborhoods to prohibit large retail in the gravel pit and to preserve this area for future development in an "open space" environment"* was inaccurate. Mr. Anderson added that it is illegal for a City Council to make any future commitments for a future City Council.

Mr. Anderson stated that he too served on the Council when the 1988 zone was applied to the gravel pit property. He said he didn't feel that there was any "compact" made by the former Council. When the 1988 zone was implemented, the Council thought that development would occur within the next 5-10 years. However Gibbons and Reed's mining lease on the property did not run out until just recently.

In Mr. Anderson's opinion, the gravel pit operation and the old zone no longer fits today's market and the value of property has skyrocketed. The old 1988 zone is outdated. Small isolated shops in the gravel pit, in his opinion, would not be viable without other major anchors situated around them to draw clientele. A huge park at that location would put a horrendous financial responsibility on the City. Mr. Anderson stated that he strongly feels that if we can get active retail in the gravel pit, it will increase business trade for the Sandy Mall area and make it more viable.

**Dennis Tenney** explained that he had been invited by Envision Utah to attend and to speak at this meeting. He was, however, unable to attend the meeting as he was out of a town. Mr. Tenney said he then submitted the letter, referenced by Mr. Anderson. This letter was written from his own personal view point regarding the issues surrounding the gravel pit rezoning. Mr. Tenney said, "I have a right to my opinion."

**At approximately 7:45 p.m., Don Pott made a motion to adjourn Council Meeting, motion seconded by Dennis Tenney.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Scott L. Cowdell**  
Council Chairman

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**Naleen Wright**  
Council Office Manager

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